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UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ALAN L. GOLDBERG )

Opposer, )

v. )

ROLICK BEVERAGE )  
COMPANY, INC. )

Applicant. )

Opposition No. 121, 317



11-08-2001

U.S. Patent & TMO/TM Mail Rcpt Dt. #11

**STIPULATION OF DISMISSAL OF  
NOTICE OF OPPOSITION WITH PREJUDICE**

Alan L. Goldberg, as President and CEO of Tamboril Cigar Company, Tamboril Cigar International, Inc., and Diversified Tobacco Company (collectively "Opposer") and Rollick Beverage Company, Inc. ("Applicant") by their respective undersigned counsel, hereby stipulate and agree as of this 30<sup>th</sup> day of October, 2001, as follows:

WHEREAS, on September 8, 2000, the Opposer filed its Notice of Opposition in connection with the Applicant's attempt to register the mark "FORE-PLAY" with the United States Patent and Trademark Office before the Trademark Trial and Appeal Board; and

WHEREAS, the Opponent desires to withdraw its Notice of Opposition; and

WHEREAS, the Opponent and the Applicant desire to stipulate to a dismissal of the Opponent's Notice of Opposition to the Applicant's attempt to register the mark "FORE-PLAY" on the terms and conditions set forth as follows:

1. The Notice of Opposition is dismissed with prejudice by Opposer.

2. Each party is responsible for its own fees and costs, including attorneys' fees, associated with the prosecution and defense of the Notice of Opposition.

3. Opposer, its successors, assigns, creditors in bankruptcy or the like, shall neither object to nor take any action against Applicant's present or future efforts toward registering or using its FORE-PLAY mark.

IN WITNESS WHEREOF, the parties have set their hands in agreement as of the date first written above.

ALAN L. GOLDBERG

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ROLICK BEVERAGE COMPANY, INC.

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SO ORDERED, this \_\_\_\_ day of October, 2001

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